

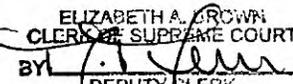
IN THE SUPREME COURT OF THE STATE OF NEVADA

THE LAW OFFICE OF DANIEL S.  
SIMON,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
TIERRA DANIELLE JONES, DISTRICT  
JUDGE,  
Respondents,  
and  
EDGEWORTH FAMILY TRUST; AND  
AMERICAN GRATING, LLC,  
Real Parties in Interest.

No. 84367

FILED

NOV 16 2022

ELIZABETH A. CROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

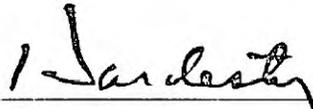
*ORDER DENYING PETITION*

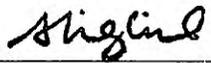
This original petition for a writ of prohibition or mandamus challenges a district court order awarding petitioner Daniel Simon attorney fees in quantum meruit. Simon argues the district court incorrectly calculated the attorney fee award. But we already reviewed the challenged district court order in a direct appeal, *Edgeworth Family Tr. v. Simon*, Nos. 83258/83260, 2022 WL 4298625 (Nev. Sept. 16, 2022) (Order Vacating Judgment and Remanding),<sup>1</sup> where we vacated the fee award and remanded for further proceedings. As a result, Simon has no order to challenge, and his petition is thus moot. *See Nat'l Collegiate Athletic Ass'n v. Univ. of Nev., Reno*, 97 Nev. 56, 58, 624 P.2d 10, 11 (1981) ("A moot case is one which seeks to determine an abstract question which does not rest upon existing facts or

<sup>1</sup>We denied real parties in interest's petition for rehearing on October 31, 2022.

rights.”). We decline to hear this moot petition. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (holding that whether to consider a writ petition is discretionary). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Tierra Danielle Jones, District Judge  
Steve Morris  
Rosa Solis-Rainey  
Morris Law Group  
James R. Christensen  
Eighth District Court Clerk